

Notice of Allowability

Application No.

10/622,599

Examiner

Ghassem Alie

Applicant(s)

BALLARD, WILLARD E.

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 09/14/04.
2. ☒ The allowed claim(s) is/are 2-9 and 11-18.
3. ☒ The drawings filed on 14 September 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In claim 1, lines 5 and 6,

"wherein mounting structure is provided" has been replaced by --wherein a mounting structure is provided--.

In claim 12, line 4,

"a said flange is slidable." has been replaced by --said flange is slidable.--.

Reasons for Allowance

2. The following is an examiner's statement of reasons for allowance: The claims are allowable because the prior art fails to teach that the clamping releaseably affix the platform structure to the opposing edge portions of the supporting structure at a prescribed height thereabove and at a prescribed angle with respect to the supporting structure as set forth in claims 11 and 15. The prior art also fails to teach that the combination of the conventional angle setter and the prescribed angle adjustment structure of the guide device allows an angle cut up to 80 degrees from the vertical as set forth in claim 11.

Regarding claims 11 and 15, Markopoulos (2003/0233926) teaches a combination of a cutting guide device and a conventional type hand held circular saw including a base having a planar slide surface and a back edge and a disk shaped cutting blade mounted on a drive

shaft of an electric motor. Markropoulos also teaches a mounting structure is provided on a saw motor for pivotally mounting the motor on the base for angular adjustment with respect to the base to orient the cutting plane with respect to the slide surface at an angle of between 90 to 45 degrees. Markropoulos also teaches a second guide shoulder means aligned substantially parallel to the cutting plane and having a portion extending below the slide surface. Markropoulos also teaches a platform structure having a top portion providing a substantially planar top surface on which the slide surface can be rest. Markropoulos also teaches that the platform includes first guide shoulder means on the platform means and a pair of flanges affixed to and extending downwardly from the top portion of the platform. Markropoulos also teaches a clamping mechanism on the device adapted to releaseably affix the platform structure to opposing edge portions of the supporting structure. However, Markropoulos fails to teach that the clamping releaseably affix the platform structure to the opposing edge portions of the supporting structure at a prescribed height thereabove and at a prescribed angle with respect to the supporting structure as set forth in claims 11 and 15. Markropoulos also fails to teach that the combination of the conventional angle setter and the prescribed angle adjustment structure of the guide device allows an angle cut up to 80 degrees from the vertical as set forth in claim 11.

Greco (3,344,824) teaches a clamping mechanism releaseably affix a platform structure to opposing edge portions of a supporting structure at a prescribed height.

Mecsey (4,355,557) or Brickner et al. (4,452,117) teaches a clamping mechanism releaseably affix a platform structure to opposing edge portions of a supporting structure at a prescribed angle.

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However, Markropoulos's guide device cannot be structurally combined with clamping device of Greco, Mecsey, or Brickner et al. and it would have not been obvious to a person of ordinary skill in the art to combine Markropoulos's guide device with the clamping devices as taught by Greco, Mecsey, or Brickner et al., since they are structurally not combinable and combinations of these structures would not be possible without hindsight from applicant's disclosure.

None of these references by themselves or in combination with the other prior art cited teach the claimed invention set forth in claims 11 and 15.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (571) 272-4501. The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on (571) 272-4514. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9302 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

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GA/ga

December 1, 2004

A handwritten signature in black ink, appearing to read 'AS', with a long, sweeping horizontal stroke extending to the right.

Allan N. Shoap
Supervisory Patent Examiner
Group 3700